IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5498 OF 2004

The State of Maharashtra ... Applicant

versus

Bharatbhai Goverdhandas Limbad ... Respondent

...

Mr. A.S. Gadkari, A.P.P., for the Applicant.

...

CORAM : A.M.KHANWILKAR,J.

10th December 2004

P.C.:

. This application was heard today along with Criminal Application No. 5366 of 2004. Ordinarily, I would have issued notice to the Respondent before passing the final order on this application. However, in the companion application, I have released the co-accused on bail in the sum of Rs.40,000/-, as it was brought to my notice that all other co-accused have been released on furnishing bond in the sum of Rs.40,000/-. The only exception made by the lower Court is in respect of Respondent herein,

who is the prime accused No. 1. He has been directed to be released on furnishing personal bond in the sum of Rs. 20,000/-. Ordinarily, I would have required the accused involved in such serious offences to provide bail bond in the sum of at least Rs. one lakh. However, in the present case, it is seen that all other co-accused have been released on bail in the sum of Rs. 40,000/- and that order has been accepted by the State Government inspite of the observation made at the hearing of the companion application on the previous occasion. In the circumstances, though the bail bond amount needs to be enhanced in respect of the Respondent, the same will have to be fixed at Rs.40,000/-, as in the case of other co-accused. Accordingly, this application is allowed to the above extent. If this order is not acceptable to the Respondent, it will be open to him to apply to this Court as the order is being passed ex parte. The Respondent be informed about this order and be called upon to comply with the necessary formalities within two weeks from the date of intimation. The investigating officer who is present in the Court assures that as soon as copy of this order is made available to him, he will

give intimation to the Respondent in this behalf, so as to enable him to comply with the modified order within two weeks from the date of intimation. Ordered accordingly. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)